

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

David ESCALANTE JR D.O.B: [REDACTED] 2001

Case No. 7:21-mj-2635

United States Courts
Southern District of Texas
FILED

Defendant(s)

December 20, 2021

CRIMINAL COMPLAINT

Nathan Ochsner, Clerk of Court

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 19, 2021 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC § 554

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit; 50 rounds Fiocchi .223 ammo, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle as defined by the Commerce Control List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 15, Code of Federal Regulations, Section 730 et seq., all in violation of Title 18, United States Code, Section 554

This criminal complaint is based on these facts:

Continued on the attached sheet and made part of this complaint:

☒ Continued on the attached sheet.

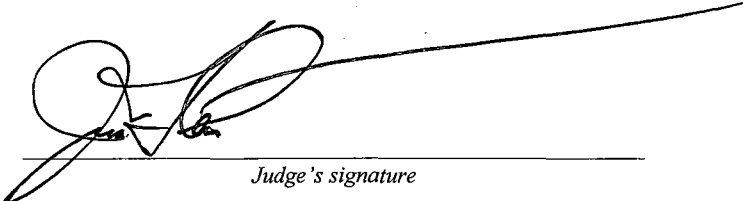
Approved by AUSA Alexis Garcia

Sworn to and executed by reliable electronic means, and
attested telephonically per Fed. R. Cr. 4.1, and probable
cause found on:Date: 12/20/21-8:17 a.m.City and state: McAllen, Texas/s/ Karl de la Fuente

Complainant's signature

Karl de la Fuente / HSI Special Agent

Printed name and title


Judge's signatureJuan F. Alanis, U.S. Magistrate Judge

Printed name and title

Attachment "A"
Re: David ESCALANTE JR
CONTINUATION

On or about December 19, 2021, David ESCALANTE JR crossed from the United States to Mexico via the Donna Port of Entry (POE). ESCALANTE JR was the driver of a red in color Dodge Challenger. ESCALANTE JR eventually came back to the United States from Mexico and attempted to make entry also at the Donna POE.

During Customs and Border Protection (CBP) inspection, a CBP Officer found 50 rounds of Fiocchi .223 ammunition, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle in the trunk of the vehicle. The magazine was with the rifle along with the box of ammunition. ESCALANTE JR did not voluntarily declare that he had those items with him.

A Homeland Security Investigations (HSI) Special Agent (SA) as well as an HSI Task Force Officer (TFO) responded to the Donna Port of Entry and conducted an interview of ESCALANTE JR. During a post-Miranda interview, ESCALANTE JR admitted to knowing he was in possession of the firearm, magazine, and ammunition, to which he transported from the United States to Mexico and again from Mexico back to the United States. ESCALANTE JR also stated he did not have a license to transport the firearm between the United States and Mexico.